

April 23, 2007
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, April 23, 2007, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, DEBI ROSS, LINDA ROBINSON, CARY GAINES, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (7/0). Alderman OLEN THOMAS was absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Alderwoman Robinson, followed by the pledge of allegiance to the flag which was led by Alderwoman Robinson.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes of a regular council meeting held on Monday, April 9, 2007, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderwoman Robinson and seconded by Alderman Hight, and by consent of all members present, communications # 1, 2, and 3, were accepted and filed (7/0).

1. Martha Henson, letter and Petition for Speed Hump on West 16th Street (20 signatures).
2. Alderwoman Ross for Jeanne Hyde, Petition opposing Speed Hump(s) on Edgemere and Fairway.
3. Thad Luther, P.E. CEO Central AR Water letter to Little Rock Mayor Mark Stodola and Mayor Hays re: Proposed Issuance of Revenue Bonds for Capital Improvements.

Mayor Hays reviewed and presented a Proclamation to City Clerk Diane Whitbey and her staff proclaiming the week of April 29 through May 5, 2007, as Municipal City Clerks Week in North Little Rock and thanked Ms. Whitbey and her staff, Linda Marshall, Mattie Robbins and Amber Hodge for their work in City Hall and for the city.

UNFINISHED BUSINESS

R-07-45

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH RIVER TRAIL RENTALS, LLC. FOR PROPERTY LOCATED AT 200 SOUTH OLIVE STREET, NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Mayor Hays.

O-07-11

AN ORDINANCE AMENDING ORDINANCE NO. 7888, THE 2007 BUSINESS LICENSE SCHEDULE (Class 171 Pawnbrokers); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time, February 12, 2007, was read a second time March 12, 2007, was called and held at the request of the sponsor, Alderman Gaines. (*Note: sixth time on the agenda, item removed this date.*)

O-07-12

AN ORDINANCE AMENDING THE MASTER STREET PLAN ORDINANCE (NO. 7178) ADDING BAY OAKS DRIVE AS A COLLECTOR STREET BETWEEN WEST SCENIC DRIVE AND WEST PERSHING BOULEVARD; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time February 12, 2007, was read a second time March 26, 2007, was called and withdrawn by the sponsor, Alderman Parker.

O-07-14 (ORDINANCE NO. 7932 - MAYOR HAYS)

AN ORDINANCE ADOPTING A MASTER STREET PLAN AND MAPS FOR THE CITY OF NORTH LITTLE ROCK; REPLACING THE PREVIOUS MASTER STREET PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time February 26, was read a second time March 12, was read a third and final time, March 26 and amended, was called and read again. Mayor Hays asked Mr. Robert Voyles, Planning Director to come forward and review amendments. On the motion of Alderman Parker and seconded by Alderman Bryant, and by consent of all members present, the ordinance was amended as follows: *remove the proposed residential collector from West Pershing to the intersection with Bay Oak Drive and amend the roadway segments table to reflect the same (7/0)*. On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the ordinance was again amended as follows: *identify in the Master Street Plan document that an overpass is proposed to replace the Fairfax at-grade rail crossing (7/0)*. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended a final time as follows: *delete the proposal of Military Road connecting with the North Belt Freeway and amend the segments table reflecting on-street bicycle lanes south of MacArthur (7/0)*. On the motion of Alderman Witcher and seconded by Alderman Hight, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0).

O-07-30 (ORDINANCE NO. 7933 - MAYOR HAYS)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED EAST OF THE INTERSECTION OF COUNTS MASSIE ROAD AND JUSTIN JAMES ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM I-2 TO C-4 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times, April 9, 2007, was read a third and final time. A motion to adopt was made by Alderman Witcher and seconded by Alderman

Bryant. Mayor Hays advised both parties who spoke April 9, 2007, had visited and reached an agreement. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*Applicant: John Burkhalter*).

O-07-31 (ORDINANCE NO. 7934 - ALDERWOMAN ROSS)

AN ORDINANCE VACATING AND ABANDONING A STREET RIGHT-OF-WAY AT THE INTERSECTION OF NORTH OLIVE STREET AND WEST 47TH STREET; AUTHORIZING THE SALE OF THE SAME TO RUDOLPH FRASIER; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times, April 9, 2007, was read a third and final time. A motion to adopt was made by Alderman Witcher and seconded by Alderman Gaines. On the motion of Alderwoman Ross and seconded by Alderman Gaines, and by consent of all members present, the ordinance was amended as follows:: *strike through \$3,900.00 in second whereas and in Section 2: and insert \$1,900.00 and add to the end of Section 2...AND THE CITY SHALL HAVE THE FIRST RIGHT TO RE-PURCHASE THE PROPERTY AT THE PRICE SOLD UNDER THIS ORDINANCE*, (7/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and the roll having been called and all members present having voted in the affirmative, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0).

NEW BUSINESS

R-07-48 (RESOLUTION NO. 7087 - MAYOR HAYS)

A RESOLUTION REAPPOINTING MAURICE TAYLOR TO THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Bryant and seconded by Alderman Gaines, and by consent of all members present, the resolution was unanimously adopted (7/0). Mayor Hays thanked Mr. Taylor for his continued service to the city.

R-07-49 (RESOLUTION NO. 7088 - MAYOR HAYS)

A RESOLUTION REAPPOINTING STEVE WHITE TO THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the resolution was adopted (7/0). Mayor Hays thanked Mr. White for his continued service to the city, and his wife Nancy for her service on the Library Commission.

R-07-50 (RESOLUTION NO. 7089 - MAYOR HAYS)

A RESOLUTION REAPPOINTING VANDY BELASCO TO THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Bryant and seconded by Alderman Gaines, and by consent of all members present, the resolution was adopted (7/0). Mayor Hays thanked Ms. Belasco for her continued service to the city.

R-07-51 (RESOLUTION NO. 7090 - MAYOR HAYS)

A RESOLUTION REAPPOINTING SAM BAGGETT TO THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Gaines, and by consent of all members present, the resolution was adopted (7/0). Mayor Hays thanked Mr. Baggett who was present for his continued service to the city.

R-07-52 (RESOLUTION NO. 7091 - MAYOR HAYS)

A RESOLUTION REAPPOINTING DEBRA ROBERTS TO THE PLANNING COMMISSION BOARD OF ADJUSTMENT AND APPEALS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was adopted (7/0).

R-07-53 (RESOLUTION NO. 7092 - MAYOR HAYS)

A RESOLUTION REAPPOINTING BASIL SHOPTAW TO THE HOUSING AND BUILDING BOARD OF ADJUSTMENT AND APPEALS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0). Mayor Hays thanked both Ms. Roberts and Mr. Shoptaw for their continued service to the city.

R-07-54 (RESOLUTION NO. 7093 - MAYOR HAYS)

A RESOLUTION APPROPRIATING \$45,000.00 FROM THE GENERAL FUND FOR THE CODE ENFORCEMENT DEPARTMENT DEMOLITION AND DEBRIS REMOVAL PROGRAM; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

R-07-55 (RESOLUTION NO. 7094 - MAYOR HAYS)

A RESOLUTION REPEALING RESOLUTION NO. 7041 WHICH DECLARED 1301 NORTH PINE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO BE A PUBLIC NUISANCE AND CONDEMNED IT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Parker, and by consent of all members present, the resolution was adopted (7/0) (*owner: Bill Eaton*).

R-07-56 (RESOLUTION NO. 7095 - MAYOR HAYS)

A RESOLUTION DIRECTING THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT TO EXPLORE THE CREATION OF AN ARKANSAS MUNICIPAL ELECTRIC CONSOLIDATION AUTHORITY; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Bryant. Mayor Hays advised this proposal is allowed under Arkansas Law and due to current electric rates, this is something to be considered. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

O-07-32 (ORDINANCE NO. 7935 - MAYOR HAYS)

AN ORDINANCE DEFINING "ENERGY AUDIT" AND "ECONOMIC ANALYSIS" TO BE PROFESSIONAL SERVICES UNDER ARKANSAS LAW; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Aldermen Witcher and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Parker and seconded by Alderman Gaines, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Mr. Joe Gertsch, Director of North Little Rock Department introduced Mr. Bob Reynolds, Electric Department Engineer who advised this is related to a performance contract. Mayor Hays said the city has visited with different companies getting suggestions, etc. on saving energy in the city. On the motion of Alderman Hight and seconded by Alderwoman Ross, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-07-33 (ORDINANCE NO. 7936 - ALDERMEN HIGHT AND GAINES)

AN ORDINANCE AMENDING SECTION 4.11 (RESIDENTIAL ZONING CHART), SECTION 12.15 (FENCES) AND ARTICLE 21 (PERMITTED USE TABLE) OF ORDINANCE NO. 7697 (THE NORTH LITTLE ROCK ZONING ORDINANCE); ~~DECLARING AN EMERGENCY~~; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Gaines, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time. Alderwoman Robinson asked about fencing (barbed wire / razor wire). Mr. Voyles referenced front yard fencing, commercial businesses, and conditional uses. Alderman Hight mentioned a mobile ice dispensing trailer which is approximately 24' long, and would only be allowed in certain zones and require a conditional use from the City Council. An existing ice dispensing trailer is located on Maumelle Boulevard in such a way that it looks like part of an existing structure at the same location. Alderman Gaines said it would be hard to get an approval at the Planning Commission level. On the motion of Alderman Hight and seconded by Alderman Parker, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Alderman Witcher asked about trailers under the current zoning ordinance. Mr. Carter compared the ice dispensing trailer to a very large soda machine. On the motion of Alderman Hight and seconded by Alderman Gaines, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). On the emergency clause, the following member voted in the affirmative: Alderman Gaines, and the following members voted no: Aldermen Bryant, Ross, Robinson, Parker, Hight and Witcher, and the emergency clause failed (1/6). Mr. Carter suggested the Planning Department hold any permits related to the above until this ordinance is in effect.

O-07-34 (ORDINANCE NO. 7937 - ALDERMEN THOMAS AND ROBINSON)

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A DAY CARE CENTER IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1603 HIGHWAY

161 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Alderwoman Robinson asked the applicant, Ms. Barbara Farmer if she was aware of the condition contained herein and about her previous experience. Ms. Farmer has worked at other day care centers and in her home. She will have up to 47 children at this day care. On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and the roll having been called and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-07-35 (ORDINANCE NO. 7938 - ALDERMAN THOMS)
AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 1903 MAPLE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-3 TO C-3 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Bryant and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Parker and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).
(Applicant: John Smith).

O-07-36 (ORDINANCE NO. 7939 - ALDERMAN HIGHT)
AN ORDINANCE TO RECLASSIFY CERTAIN REAL PROPERTY LOCATED AT #6 56TH PLACE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM THE PRESENT R-1 TO C-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

PUBLIC COMMENTS-----

Alderwoman Robinson asked about the length of the curbside recycling contract with Waste Management and advised she had received complaints from constituents.

Alderdwoman Robinson announced a Bicycle Rodeo to be held, Saturday, May 5, 2007, at the City Services Parking lot. Children between the ages of 5 and 13 are invited to attend. Helmets are required. Obstacle courses will be set up and the time is 8:30 a.m. until 12:30 p.m. Alderman Parker announced the annual Citywide Cleanup to be held Saturday, May 5, 2007. Participants are to meet at the downtown Police Substation. The event is being headed by City Administrator Margaret Powell, Alderdwoman Ross and Alderman Parker. Alderman Parker thanked city crews for their recent work in cleaning up an area in Ward 3. Alderman Parker acknowledge Mr. John Degroodt and his service to the residents of the Scenic Hill area. Ms. Whitbey said the Lions Club Annual Fish and Chicken Dinner is Friday, April 27, 2007, at the Burns Park Hospitality House. Saturday, April 28, 2007, the Junior League of North Little Rock will host a fund raiser at Sherwood Forest. Tickets can be purchased from any member of the Junior League. Alderman Parker said signage in the Levy area reflected "Camp Robinson". Mayor Hays will talk with the Arkansas Highway and Transportation Department regarding the same. Mr. Burl (inaudible), is a landlord with approximately 50 units. He had copper piping stolen from his property and asked for assistance from the city to stop the thefts. Mayor Hays asked him to visit with Patrol Captain Mike Davis regarding an existing program. Ms. Ann Briars lives on 5309 North Schear Street. At 47th and Camp Robinson Road, the pedestrian crossing buttons have been removed and need to be replaced. Ms. Briars home was flooded by city sewage several times in the past. A situation exists in her back yard. The solution suggested to her was a manhole in her yard, which she doesn't want. Mr. Gary Mills, Wastewater Director will visit with Ms. Briars. Ms. Patricia Harris was downtown Thursday evening in the vicinity of Locust and Cypress when she was approached by a solicitor soliciting funds for a church. The man was in the middle of the street. She told him he was violating a city ordinance. Ms. Harris called the Communication Center and reported it. Mayor Hays congratulated Ms. Harris on her recent award for over 1,000 volunteer hours to the city. Mr. John Degroodt said there were 439 apartments in the Scenic Hill area in October 2001. There was an average of 8,730 vehicles daily. With the addition of the school, the total has increased to approximately 13,750 daily average. Mr. Sam Baggett invited people to the Neighbors United for Levy Crime Watch meeting. Recently, Mr. Gertsch was their speaker and encouraged people reduce the overall wattage in their homes. He went from approximately 4,500 watts to 500 watts in his home and has saved between \$20.00 - \$30.00 per month on his electric bill. Mr. Joe Smith, Director of Commerce and Governmental Affairs recently provided a presentation regarding development in the city. Mr. Charley Baxter, Director of the Hays Center will be their speaker next month. Mr. Baggett thanked Chief Bradley and others from the city for attending their meeting. Mr. Jim Ard advised the Pepsi/Busch Softball Tournament will not have beer this year. Mr. Ard asked Mayor Hays if he had information regarding his complaint about the city Electrical Inspector.

There being no further business to come before the Council, and on the motion of Alderdwoman Robinson and seconded by Alderman Witcher, and by agreement of all members present, the meeting adjourned at 8:25 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, May 14, 2007, at seven o'clock p.m. in the

City Council Chambers in City Hall, located at 300 Main Street, North Little Rock,
Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK